

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS
OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office JUN 24 2008

Returned to applicant for correction _____

Corrected application filed _____ Map filed MAR 06 1998 under 63632The applicant Dayton Property Partners, LLC2443 Fair Oaks Blvd, Suite 248Street Address or P.O. Boxof SacramentoCity or TownCalifornia 95825State and Zip Code

, hereby make(s) application for permission to change the

☒ Point of diversion☒ Place of use☒ Manner of use☒ of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit 26610, Certificate 839426110 AS PER FOX 21

1. The source of water is Underground
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 0.31 cfs, not to exceed 57 acre-feet annually
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Municipal & Domestic
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use.
4. The water heretofore used for Irrigation & Domestic
If for stock, state number and kind of animals.
5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
SW 1/4 NW 1/4, Section 34, T.17N., R.22E., M.D.B. & M., or at a point from which the NW Corner of said Section 34 bears N. 21°45' 41" W., a distance of 1,903.12 feet (Refer to map filed under Permit 63632 for proposed point of diversion)
6. The existing point of diversion is located within (if point of diversion is not changed, do not answer.)
NE 1/4 NW 1/4, Section 3, T.17N., R.23E., M.D.B. & M., or at a point from which the N 1/4 Corner of said Section 3, bears N. 39° 48' 00" E., a distance of 78 feet. (Refer to map filed under Permit 26610 for existing point of diversion)
26110 21

103-47

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

Please refer to Exhibit "A" and map filed under Application 74922 on file with the State Engineer's office.

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

39.7 acres within the NE 1/4 NW 1/4, Section 3, T.17N., R.23E., M.D.B. & M. A total of 14.25 acres being removed from irrigation within said NE 1/4 NW 1/4. Said 14.25 acres being the remaining portion of Permit 26610 (Cert. 8394) as illustrated on that certain map filed under Application 73473 on file with the State Engineer's office.

26610 A

9. Proposed use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Existing use permitted from January 1 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

A drilled and cased well equipped with a motor, pump, meter and municipal distribution system

12. Estimated cost of works \$1,500,000.00

13. Estimated time required to construct works Two (2) years

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use Ten (10) years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing.)

This application is being filed to move water into the Lyon County municipal system in support of the Woodbridge Subdivision, a project approved by the Lyon County Board of Commissioners in September 2007. This development consists of 77 single family homes on 12,000 sf lots within the Dayton service area along Highway 50. Upon approval, the water rights will be dedicated to Lyon County for municipal service in accordance with Lyon County water dedication requirements and ordinances. The total combined duty of this application and application to change a portion of Permit 21475 (Cert. 6878) is not to exceed 72 acre-feet annually.

16. Miscellaneous remarks:

An extension of time to prevent a forfeiture the portion of Permit 26610, Certificate 8394 being changed by this application will be filed on or before August 22, 2008 pursuant to the notice from the Nevada State Engineer dated August 22, 2008

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By Gregory M. Bilyeu

Print or type name clearly

Signature, applicant or agent

TEC Civil Engineering Consultants

Company Name

9480 Double Diamond Parkway, Suite 200

Street Address or P.O. Box

Reno, NV 89521

City, State, Zip Code

**APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT**

\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

RECEIVED
2008 JUN 24 PM 12:36
STATE ENGINEER'S OFFICE

Attachment "A"

Question #7 – Proposed Place of Use

T.16 N., R.20 E., M.D.B. & M.:

All of Section 24; E½, those portions of NW¼ and SW¼ Section 25 lying within Lyon County, the portion of the NE¼ Section 36 lying within Lyon County.

T. 16 N., R. 21 E., M.D.B. & M.:

All of Section 1; SE¼ SE¼ Section 2; All of Section 11; All of Section 12; All of Section 13; All of Section 14; All of Section 19; All of Section 20; All of Section 23; All of Section 24; All of Section 26; All of Section 27; All of Section 28; All of Section 29; All of Section 30; N¼, the portion of the S¼ Section 31 lying within Lyon County; N¼ Section 32; N¼ Section 33; N¼ Section 34; N¼ Section 35.

T. 16 N., R. 22 E., M.D.B. & M.:

All of Section 3; All of Section 4; All of Section 5; All of Section 6; All of Section 7; All of Section 8; All of Section 9; N¼ Section 16; All of Section 17; All of Section 18; All of Section 19; All of Section 20.

T. 17 N., R. 21 E., M.D.B. & M.:

SE¼, those portions of the SW¼, NW¼ and NE¼ Section 36 lying within Lyon County.

T. 17N., R. 22 E., M.D.B. & M.:

The portion of the S¼ Section 21 lying within Lyon County; S¼, the portion of the N¼ Section 22 lying within Lyon County; All of Section 27; All of Section 28 lying within Lyon County; SE¼, those portions of the SW¼, NW¼, NE¼ Section 29 lying within Lyon County; the portion of the S¼ Section 30 lying within Lyon County; S¼, NE¼, the portion of the NW¼ Section 31 lying within Lyon County; All of Section 32; All of Section 33; All of Section 34; All of Section 35.

In addition to the above described Place of Use, it is the intent of these applications to provide water service to the entire Lyon County/Dayton Utilities service area as determined by the Lyon County Public Works Director. If in the future, some other entity is determined to have that authority, the Place of Use of this permit shall be pursuant to that authority's determination of the service area.